

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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KEVIN LAKES,

Plaintiff,

vs

9:09-CV-1171

CHAPLIN, Correction Officer, Washington  
Correctional Facility,

Defendants.

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APPEARANCES:

KEVIN LAKES  
08-A-0876  
Plaintiff, Pro Se  
Washington Correctional facility  
Box 180  
72 Lock 11 Lane  
Comstock, NY 12821

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

CHARLES J. QUACKENBUSH, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Kevin Lakes, commenced this civil rights action in October 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated September 30, 2010, the Honorable Andrew T. Baxter, United States Magistrate Judge, recommended that defendant's motion for judgment on the pleadings (Docket No. 16) be granted and the complaint be dismissed

without prejudice in its entirety based on plaintiff's failure to exhaust his administrative remedies. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Baxter, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

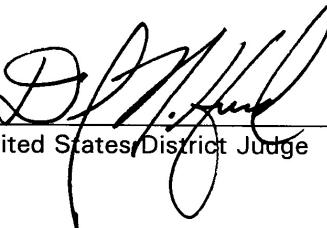
ORDERED that

1. Defendant's motion for judgment on the pleadings (Docket No. 16) is GRANTED.

2. The complaint is DISMISSED in its entirety, without prejudice; and  
3. The Clerk is directed to file judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: October 21, 2010  
Utica, New York.



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United States District Judge